



IAP04Rec'd PCT 12 SEP 2008

PTO/SB/21 (08-08)

Approved for use through 09/30/2008. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/597,346
Filing Date	July 20, 2006
First Named Inventor	Jeffrey P. Reistroffer
Art Unit	
Examiner Name	
Attorney Docket Number	REI06-0001

ENCLOSURES (Check all that apply)

- | | | |
|---|---|---|
| <input type="checkbox"/> Fee Transmittal Form
<input checked="" type="checkbox"/> Fee Attached

<input type="checkbox"/> Amendment/Reply
<input type="checkbox"/> After Final
<input type="checkbox"/> Affidavits/declaration(s)

<input type="checkbox"/> Extension of Time Request
<input type="checkbox"/> Express Abandonment Request
<input type="checkbox"/> Information Disclosure Statement

<input type="checkbox"/> Certified Copy of Priority Document(s)
<input type="checkbox"/> Reply to Missing Parts/
Incomplete Application
<input type="checkbox"/> Reply to Missing Parts
under 37 CFR 1.52 or 1.53 | <input type="checkbox"/> Drawing(s)
<input type="checkbox"/> Licensing-related Papers

<input checked="" type="checkbox"/> Petition
<input type="checkbox"/> Petition to Convert to a
Provisional Application
<input type="checkbox"/> Power of Attorney, Revocation
Change of Correspondence Address
<input type="checkbox"/> Terminal Disclaimer
<input type="checkbox"/> Request for Refund
<input type="checkbox"/> CD, Number of CD(s) _____
<input type="checkbox"/> Landscape Table on CD | <input type="checkbox"/> After Allowance Communication to TC

<input type="checkbox"/> Appeal Communication to Board
of Appeals and Interferences

<input type="checkbox"/> Appeal Communication to TC
(Appeal Notice, Brief, Reply Brief)

<input type="checkbox"/> Proprietary Information

<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Other Enclosure(s) (please identify
below):
Affidavit (2 pages)
Request Refund of Petition Fee |
|---|---|---|

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Antoinette M. Tease, P.L.L.C.		
Signature			
Printed name	Antoinette M. Tease		
Date	09/08/2008	Reg. No.	53,680

CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Sherri Dunlap	Date	09/08/2008

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



PG 4

PTO/SB/64 (08-08)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

REI06-0001

First named inventor: Jeffrey P. Reistroffer

Application No.: 10/597,346

Art Unit: N/A

Filed: July 20, 2006

Examiner: N/A

Title: LINEAR INCENDIARY STRAND AND METHOD FOR PRESCRIBED FIRE IGNITION

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (571) 272-3282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☒ Small entity-fee \$ 770 (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☐ Other than small entity - fee \$ _____ (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in the form of Check No. 0235 in the amount of \$150.00 (identify type of reply):

☐ has been filed previously on _____.

☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ _____.

☐ has been paid previously on _____.

☐ is enclosed herewith.

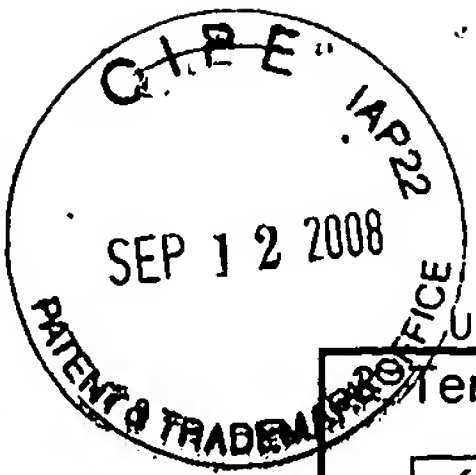
09/12/2008 GFREY1 00000058 10597346

770.00 OP

[Page 1 of 2]

01 FC:2453 This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING:

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

Antoinette M. Tease
Signature

09/08/2008

Date

Antoinette M. Tease

Typed or printed name

53680

Registration Number, if applicable

PO Box 51016

Address

(406) 245-5254

Telephone Number

Billings, MT 59105

Address

Enclosures: ☒ Fee Payment☐ Reply☐ Terminal Disclaimer Form☐ Additional sheets containing statements establishing unintentional delay☒ Other: Letter to USPTO dated 9/8/08; Affidavit of Antoinette M. Tease;**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

09/08/2008

Date

Sherri Dunlap
Signature

Sherri Dunlap

Typed or printed name of person signing certificate



September 8, 2008



Antoinette M. Tease, P.L.L.C.

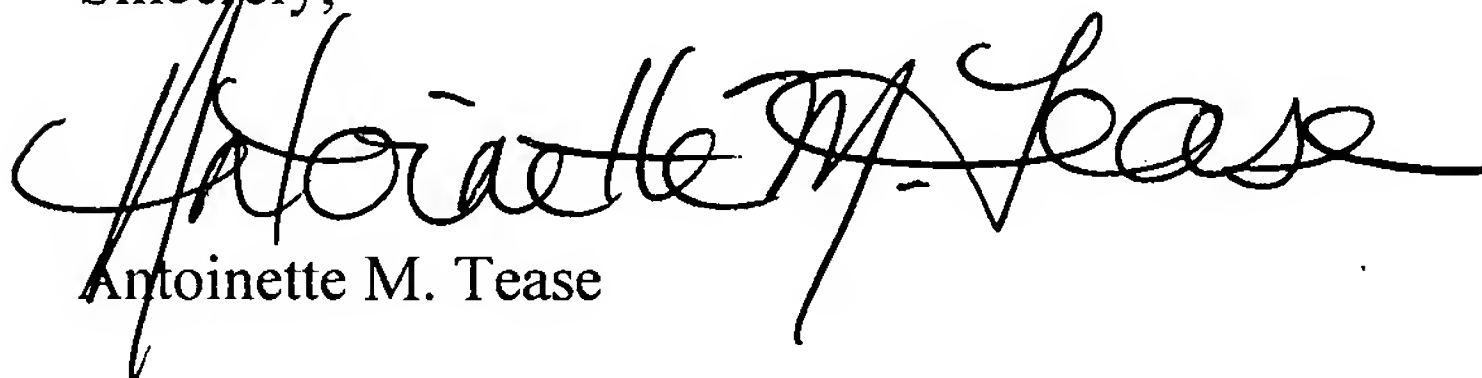
Mail Stop Petition
Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

RE: Petition to Revive U.S. Patent Application No. 10/597,346
REFUND OF PETITION FEE REQUESTED

Dear Sir/Madam:

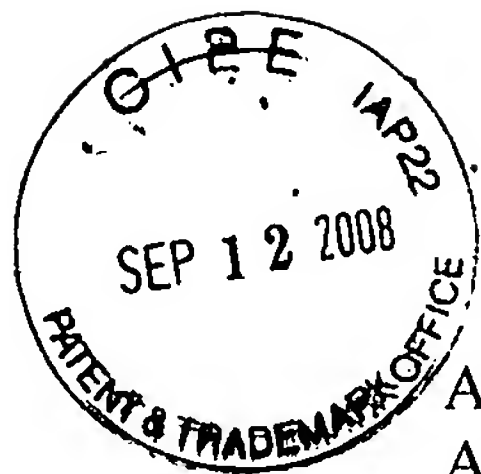
This letter is being submitted in support of the petition to revive the above-referenced application. I am the attorney of record in the above-referenced application, and we never received the Notification of Insufficient Fees dated December 4, 2007. We did, however, receive the filing receipt of the same date. An affidavit to this effect is enclosed herewith. Accordingly, we respectfully request a refund of the \$770 petition fee. Thank you for consideration of our request.

Sincerely,



Antoinette M. Tease

Enclosure (1)



Antoinette M. Tease
ANTOINETTE M. TEASE, P.L.L.C.
PO Box 51016
Billings, MT 59105
(406) 245-5254

Attorney for Applicant
Jeffrey P. Reistroffer

IN THE UNITED STATES PATENT AND
TRADEMARK OFFICE

U.S. Patent Application No. 10/597,346

**Title: LINEAR INCENDIARY STRAND AND METHOD FOR PRESCRIBED
FIRE IGNITION**

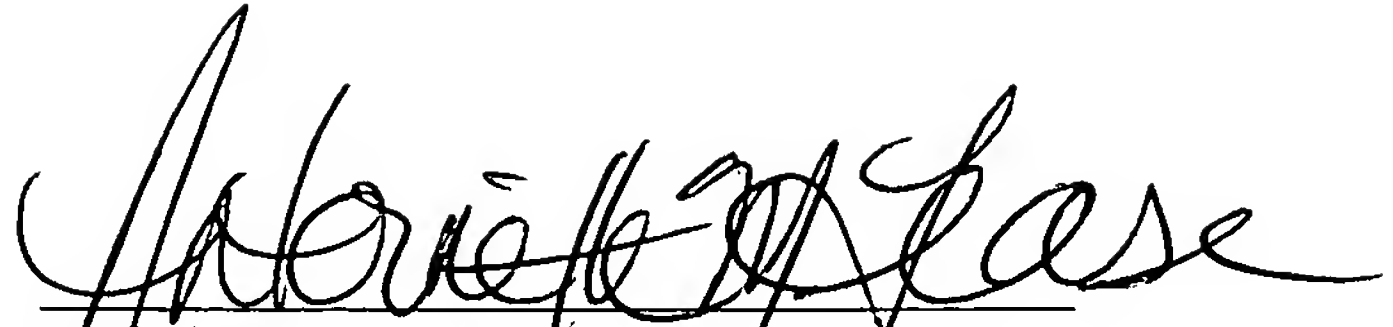
Attorney Docket No.: REI06-0001

Filing Date: July 20, 2006

ANTOINETTE M. TEASE, being duly sworn, deposes and says:

1. My name is Antoinette M. Tease, and I represent the applicant in connection with the above-referenced patent matter.
2. This application was filed on July 20, 2006, and I did not receive the filing receipt until nearly seventeen (17) months later. In early December, 2007, I received a three-page filing receipt dated December 4, 1007. According to the patent office records, a Notification of Insufficient Fees was also mailed by the patent office on December 4, 2007. I never received the Notification of Insufficient Fees. It was not in the envelope with the filing receipt, and we did not receive the Notification in a separate envelope.
3. I received a Notification of Abandonment on September 2, 2008, after no notice from the patent office that an excess claims fee of \$150 was due.

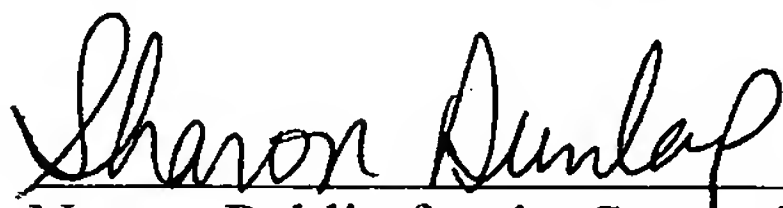
Dated this 8th day of September, 2008.


ANTOINETTE M. TEASE

STATE OF MONTANA)
 : SS
County of Yellowstone)

Subscribed and sworn to me this 8th day of September, 2008.




Notary Public for the State of Montana
Residing at: Carbon County
My commission expires: March 7, 2009

Transaction List

Search by

☐ Accounting Date: Operator ID:
(MMDDYY)

Accounting Date

Starts:

Ends:

☒ Name/Number: 10597346

☐ Attny Docket No:

☐ Deposit Account No.:



Accounting Date	Operator ID	Seq. No.	Txn Src	Fee Code	St	Amount	Name/Number
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07/21/2006	INTEFSW	1331	SALE	2615	A	1,250.00	10597346
07/21/2006	INTEFSW	1330	SALE	2633	A	100.00	10597346
07/21/2006	INTEFSW	1329	SALE	2641	A	50.00	10597346
07/21/2006	INTEFSW	1328	SALE	2631	A	150.00	10597346



OK

Adjustment Detail

Authorization Detail

